

Extended School Year (ESY) Services

Many children on the autism spectrum require a year-round educational program because of their need for consistency and intensity. The decision of whether or not a child needs extended school year services (or ESY) is made on a case-by-case basis, and it is required that school districts at least discuss the possibility of the need at the PPT (there is a box to check on the CT State IEP form). It is recommended that it be discussed early enough in the year (not in June) that if a dispute results, it can be resolved in due process before the summer begins. Extended year programming is not the same as a 'summer school' that districts may offer all students. The ESY program must include goals and objectives just as it does during the normal school year. Services such as occupational therapy, language therapy, etc. may also be provided when needed, and should certainly be discussed if the child receives these services during the school year. The following is taken from a memo to all school districts from George Dowaliby, Bureau Chief of the Connecticut Bureau of Special Education and Pupil Services (1/10/02) regarding extended school year services.

From Bureau Chief George Dowaliby –

The following was distributed to all Special Education Directors from the Bureau of Special Education and Pupil Services in January 2002.

"A clarification note regarding the provision of extended year services is necessary at this time. Parents are reporting to the Bureau that some school districts limit the analysis of a child's eligibility for extended school year services to a regression/recoupment criterion. This is not a correct application of the June 1, 1996 memo distributed to school districts or of the current case law that addresses this issue. See for example, Reusch v. Fountain, 21 IDELR 1107 (1994).*

There are both regression and nonregression factors which must be considered in determining whether or not a child may be eligible for extended school year services. They are:

- Ü *The nature or severity of the student's disability (nonregression);*
- Ü *The student is likely to lose critical skills or fail to recover these skills within a reasonable time as compared to typical students (regression/recoupment);*
- Ü *The student's progress in the areas of learning crucial to attaining self-sufficiency and independence from caretakers (nonregression);*
- Ü *The student's stereotypic, ritualistic, aggressive or self-injurious interfering behaviors prevent the student from receiving some educational benefit from the program during the school year (nonregression); or*
- Ü *Other special circumstances identified by the IEP team such as: the ability of the student to interact with other non-disabled students; the areas of the student's curriculum that need continuous*

attention; the student's vocational needs; or the availability of alternative resources.

The provision of extended school year services is the exception and not the rule for students receiving special education and related services. Extended school year means services provided beyond the length of the regular school year as described in the IEP and is provided at no cost to the parents. Eligibility for ESY must be determined each year for individual students who may be eligible to receive these services.

The determination of whether or not a child will be eligible for an extended school year program and the content and location of the program are generally discussed at the annual review for the child. This should be done early enough and a program of services offered to allow sufficient time for any dispute regarding the provision of services to be resolved before the start of the extended school year program. All parents should be advised of the availability of extended school year services for eligible children in any parent or student manual, or other description of services provided by the district to parents. The Bureau has a District brochure on the provision of extended school year services that we would be happy to share with you.

In summary, it is important to remember that both regression and nonregression criteria should be reviewed to determine a child's eligibility for services and that discussions regarding a child's eligibility for ESY and what that program should look like should take place early enough to allow any dispute to be resolved before the beginning of the ESY program."

*"*Reusch is out of the District Court in Maryland. Although the findings and decision of the court are not binding in Connecticut, it is illustrative of the questions the courts are asking about extended school year services and raises some important issues for our consideration. A copy is available from the Bureau."*

If you have any questions about requesting ESY services from a school district, you may contact the BSEPS Parent Assistance Line 1-800-842-8678, the CT Parent Advocacy Center, 1-800-445-2722, or the ASRC (203) 248-5222.